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EXAMINER

DURAN, ARTHUR D

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/821,191

Applicant(s)

KENNER ET AL.

Examiner

Arthur Duran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-76 and 78-85 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-76 and 78-85 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. Claims 1-76 and 78-85 have been examined.

Response to Amendment

2. The Amendment filed on 3/25/05 is sufficient to overcome the Yamanaka reference. A new reference has been added to the 35 USC 103 rejection

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-76 and 78-85 are rejected under 35 U.S.C. §103(a) as being obvious over Yamanaka US 2001/0016834 (Aug. 23, 2001) [US f/d: Dec. 6/2000] (herein referred to as "Yamanaka") in view of Goldhaber (5,794,210) in view of Angles (5,933,811).

As per independent claim 1, Yamanaka (the ABSTRACT; FIG. 1; FIG. 4; FIG. 5; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; FIG. 19; FIG. 20; FIG. 21; FIG. 22; FIG. 24; FIG. 25; FIG. 27; FIG. 28; FIG. 29; FIG. 30; FIG. 31; FIG. 32; FIG. 33; FIG. 34; and ¶¶[0012]; [0015]; [0020]; [0023]; [0057]; [0059]; [0064]; [0066]; [0108]; [0137]; [0138]; [0139]; [0148]; [0171]; [0175]; [0185]; [0198]; [0206]; [0207]; [0208]; and [0209]) discloses: "wherein the content provider is a first party; electronically engaging in an activity . . . wherein the activity is performed by a content recipient

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on a second computer, and wherein the content recipient is a second party; and providing payment to a third party based upon the activity.”

Yamanaka (§[0015]) discloses: “*downloading the advertising information piece and . . . collecting an advertisement rate, which corresponds to the number of execution times of the digital content used by the user, from the advertiser and paying an execution fee, which corresponds to the number of execution times of the digital content to the holder. . . .*”

Yamanaka lacks explicit recitation of “posting a note on a first computer at a content provider . . . engaging in an activity related to the note. . . .”

It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Yamanaka (§[0015]) which discloses: “*downloading the advertising information piece and . . . collecting an advertisement rate, which corresponds to the number of execution times of the digital content used by the user, from the advertiser and paying an execution fee, which corresponds to the number of execution times of the digital content to the holder. . . .*” (the Examiner interprets this disclosure as implicitly showing: “posting a note on a first computer at a content provider . . . engaging in an activity related to the note. . . .”; and it would have been obvious to modify and interpret the disclosure of Yamanaka (§[0015]) cited above as implicitly showing “posting a note on a first computer at a content provider . . . engaging in an activity related to the note. . . .” because modification and interpretation of the cited disclosure of Yamanaka would have provided “*a digital content billing system using a network in which a billing of digital content is easily performed. . . .*” (see Yamanaka (§[0010])) based on the motivation to modify Yamanaka “*while accelerating the use*

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of digital content and an execution fee for digital content is reliably collected. . . .” (see Yamanaka (§[0010])).

As per dependent claims 2-5, Yamanaka shows the method of claim 1.

Yamanaka (the ABSTRACT; FIG. 1; FIG. 4; FIG. 5; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; FIG. 19; FIG. 20; FIG. 21; FIG. 22; FIG. 24; FIG. 25; FIG. 27; FIG. 28; FIG. 29; FIG. 30; FIG. 31; FIG. 32; FIG. 33; FIG. 34; and ¶¶[0012]; [0015]; [0020]; [0023]; [0057]; [0059]; [0064]; [0066]; [0108]; [0137]; [0138]; [0139]; [0148]; [0171]; [0175]; [0185]; [0198]; [0206]; [0207]; [0208]; and [0209]) shows content is provided by a “second party” and a “third person.”

Yamanaka lacks explicit recitation of a “first party”, a “third party” and a “fourth party”.

“Official Notice” is taken that both the concepts and the advantages of all of the elements and limitations of claims 2-5 were well known and expected in the art by one of ordinary skill at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Yamanaka cited above implicitly shows all of the elements and limitations of claims 2-5; and it would have been obvious to modify and interpret the disclosure of Yamanaka cited above as showing all of the elements and limitations of claims 2-5 because modification and interpretation of the cited disclosure of Yamanaka would have provided “*a digital content billing system using a network in which a billing of digital content is easily performed. . . .*” (see Yamanaka (§[0010])) based on the motivation to modify Yamanaka “*while accelerating the use of digital content and an execution fee for digital content is reliably collected. . . .*” (see Yamanaka (§[0010])).

Dependent claim 6 is rejected for at least the same reasons as claim 1.

Dependent claim 7 is rejected for at least the same reasons as claim 1.

Dependent claim 8 is rejected for at least the same reasons as claim 1.

Dependent claim 9 is rejected for at least the same reasons as claim 1.

Dependent claim 10 is rejected for at least the same reasons as claim 1.

As per dependent claims 11 & 19, Yamanaka shows the method of claim 1.

Yamanaka at least at (the ABSTRACT; FIG. 1; FIG. 4; FIG. 5; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; FIG. 19; FIG. 20; FIG. 21; FIG. 22; FIG. 24; FIG. 25; FIG. 27; FIG. 28; FIG. 29; FIG. 30; FIG. 31; FIG. 32; FIG. 33; FIG. 34; and ¶¶[0012]; [0015]; [0020]; [0023]; [0057]; [0059]; [0064]; [0066]; [0108]; [0137]; [0138]; [0139]; [0148]; [0171]; [0175]; [0185]; [0198]; [0206]; [0207]; [0208]; and [0209]) shows viewer interaction relating to electronic content and/or advertising. . . .”

Yamanaka lacks explicit recitation of interaction comprising transfer/providing of information.

“Official Notice” is taken that both the concepts and the advantages of transferring information elements and limitations of claims 11 & 19 were well known and expected in the

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art by one of ordinary skill at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Yamanaka cited above implicitly shows all of the elements and limitations of claims 11 & 19; and it would have been obvious to modify and interpret the disclosure of Yamanaka cited above as showing all of the elements and limitations of claims 11 & 19 because modification and interpretation of the cited disclosure of Yamanaka would have provided “*a digital content billing system using a network in which a billing of digital content is easily performed. . . .*” (see Yamanaka (¶[0010])) based on the motivation to modify Yamanaka “*while accelerating the use of digital content and an execution fee for digital content is reliably collected. . . .*” (see Yamanaka (¶[0010])).

As per dependent claims 12-18, Yamanaka shows the method of claim 1.

Yamanaka (the ABSTRACT; FIG. 1; FIG. 4; FIG. 5; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; FIG. 19; FIG. 20; FIG. 21; FIG. 22; FIG. 24; FIG. 25; FIG. 27; FIG. 28; FIG. 29; FIG. 30; FIG. 31; FIG. 32; FIG. 33; FIG. 34; and ¶¶[0012]; [0015]; [0020]; [0023]; [0057]; [0059]; [0064]; [0066]; [0108]; [0137]; [0138]; [0139]; [0148]; [0171]; [0175]; [0185]; [0198]; [0206]; [0207]; [0208]; and [0209]) shows viewer activity relating to electronic content and/or advertising. . . .”

Yamanaka lacks explicit recitation of activity comprising financial transactions.

“Official Notice” is taken that both the concepts and the advantages of all of the financial transaction elements and limitations of claims 12-18 were well known and expected in the art by one of ordinary skill at the time of the invention, because it would have been obvious

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at the time the invention was made to a person having ordinary skill in the art that the disclosure of Yamanaka cited above implicitly shows all of the elements and limitations of claims 12-18; and it would have been obvious to modify and interpret the disclosure of Yamanaka cited above as showing all of the elements and limitations of claims 12-18 because modification and interpretation of the cited disclosure of Yamanaka would have provided “a digital content billing system using a network in which a billing of digital content is easily performed. . . .” (see Yamanaka (§[0010])) based on the motivation to modify Yamanaka “while accelerating the use of digital content and an execution fee for digital content is reliably collected. . . .” (see Yamanaka (§[0010])).

As per dependent claims 20-21, Yamanaka shows the method of claim 1.

Yamanaka (the ABSTRACT; FIG. 1; FIG. 4; FIG. 5; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; FIG. 19; FIG. 20; FIG. 21; FIG. 22; FIG. 24; FIG. 25; FIG. 27; FIG. 28; FIG. 29; FIG. 30; FIG. 31; FIG. 32; FIG. 33; FIG. 34; and ¶¶[0012]; [0015]; [0020]; [0023]; [0057]; [0059]; [0064]; [0066]; [0108]; [0137]; [0138]; [0139]; [0148]; [0171]; [0175]; [0185]; [0198]; [0206]; [0207]; [0208]; and [0209]) shows viewer activity relating to electronic content and/or advertising. . . .”

Yamanaka lacks explicit recitation of activity comprising downloading/accessing transactions.

“Official Notice” is taken that both the concepts and the advantages of all of the financial transaction elements and limitations of claims 21-22 were well known and expected in the art by one of ordinary skill at the time of the invention, because it would have been obvious

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at the time the invention was made to a person having ordinary skill in the art that the disclosure of Yamanaka cited above implicitly shows all of the elements and limitations of claims 21-22; and it would have been obvious to modify and interpret the disclosure of Yamanaka cited above as showing all of the elements and limitations of claims 21-22 because modification and interpretation of the cited disclosure of Yamanaka would have provided “*a digital content billing system using a network in which a billing of digital content is easily performed. . . .*” (see Yamanaka (¶[0010])) based on the motivation to modify Yamanaka “*while accelerating the use of digital content and an execution fee for digital content is reliably collected. . . .*” (see Yamanaka (¶[0010])).

Dependent claim 22 is rejected for at least the same reasons as claim 1.

Dependent claim 23 is rejected for at least the same reasons as claim 1.

Dependent claim 24 is rejected for at least the same reasons as claim 1.

Dependent claim 25 is rejected for at least the same reasons as claim 1.

Dependent claim 26 is rejected for at least the same reasons as claim 1.

As per dependent claims 27-28, Yamanaka shows the method of claim 1.

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Yamanaka (the ABSTRACT; FIG. 1; FIG. 4; FIG. 5; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; FIG. 19; FIG. 20; FIG. 21; FIG. 22; FIG. 24; FIG. 25; FIG. 27; FIG. 28; FIG. 29; FIG. 30; FIG. 31; FIG. 32; FIG. 33; FIG. 34; and ¶¶[0012]; [0015]; [0020]; [0023]; [0057]; [0059]; [0064]; [0066]; [0108]; [0137]; [0138]; [0139]; [0148]; [0171]; [0175]; [0185]; [0198]; [0206]; [0207]; [0208]; and [0209]) shows viewer activity relating to electronic content and/or advertising. . . .”

Yamanaka lacks explicit recitation of activity comprising redeeming/printing a coupon.

“Official Notice” is taken that both the concepts and the advantages of all of the financial transaction elements and limitations of claims 27-28 were well known and expected in the art by one of ordinary skill at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Yamanaka cited above implicitly shows all of the elements and limitations of claims 27-28; and it would have been obvious to modify and interpret the disclosure of Yamanaka cited above as showing all of the elements and limitations of claims 27-28 because modification and interpretation of the cited disclosure of Yamanaka would have provided “*a digital content billing system using a network in which a billing of digital content is easily performed. . . .*” (see Yamanaka (¶[0010])) based on the motivation to modify Yamanaka “*while accelerating the use of digital content and an execution fee for digital content is reliably collected. . . .*” (see Yamanaka (¶[0010])).

Independent claim 29 is rejected for substantially the same reasons as independent claim

1.

Dependent claim 30 is rejected for substantially the same reasons as claim 2.

Dependent claim 31 is rejected for substantially the same reasons as claim 3.

Dependent claim 32 is rejected for substantially the same reasons as claim 4.

Dependent claim 33 is rejected for substantially the same reasons as claim 5.

Dependent claim 34 is rejected for substantially the same reasons as claim 7.

Dependent claim 35 is rejected for substantially the same reasons as claim 9.

Dependent claim 36 is rejected for substantially the same reasons as claim 11.

Dependent claim 37 is rejected for substantially the same reasons as claim 23.

Dependent claim 38 is rejected for at least substantially the same reasons as claim 29.

As per dependent claim 39, Yamanaka shows the method of claim 29.

Yamanaka (the ABSTRACT; FIG. 1; FIG. 4; FIG. 5; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; FIG. 19; FIG. 20; FIG. 21; FIG. 22; FIG. 24; FIG. 25; FIG. 27; FIG. 28; FIG. 29; FIG. 30; FIG. 31; FIG. 32; FIG. 33; FIG. 34; and ¶¶[0012]; [0015]; [0020]; [0023]; [0057]; [0059]; [0064]; [0066]; [0108]; [0137];

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[0138]; [0139]; [0148]; [0171]; [0175]; [0185]; [0198]; [0206]; [0207]; [0208]; and [0209])

shows posting electronic “content and/or advertising. . . .”

Yamanaka lacks explicit recitation of relating the posting of electronic “content and/or advertising” to a service.

“Official Notice” is taken that both the concepts and the advantages of all of the “service” elements and limitations of claim 39 were well known and expected in the art by one of ordinary skill at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Yamanaka cited above implicitly shows all of the elements and limitations of claim 39; and it would have been obvious to modify and interpret the disclosure of Yamanaka cited above as showing all of the elements and limitations of claim 39 because modification and interpretation of the cited disclosure of Yamanaka would have provided “*a digital content billing system using a network in which a billing of digital content is easily performed. . . .*” (see Yamanaka (§[0010])) based on the motivation to modify Yamanaka “*while accelerating the use of digital content and an execution fee for digital content is realiably collected. . . .*” (see Yamanaka (§[0010])).

Claim 40 is rejected for at least substantially the same reasons as independent claim 29.

Independent claim 41 is rejected for the same reasons as independent claim 29.

Claim 42 is rejected for substantially the same reasons as claim 30.

Claim 43 is rejected for substantially the same reasons as claim 31.

Claim 44 is rejected for substantially the same reasons as claim 32.

Claim 45 is rejected for substantially the same reasons as claim 33.

Claim 46 is rejected for substantially the same reasons as claim 34.

Claim 47 is rejected for substantially the same reasons as claim 35.

Claim 48 is rejected for at least substantially the same reasons as claim 35.

Claim 49 is rejected for at least substantially the same reasons as claim 37.

Claim 50 is rejected for at least substantially the same reasons as claim 10.

Claim 51 is rejected for at least substantially the same reasons as claim 25.

Claim 52 is rejected for at least substantially the same reasons as claim 26.

Claim 53 is rejected for at least substantially the same reasons as claim 11.

Claim 54 is rejected for at least substantially the same reasons as claim 12.

Claim 55 is rejected for at least substantially the same reasons as claim 13.

Claim 56 is rejected for at least substantially the same reasons as claim 14.

Claim 57 is rejected for at least substantially the same reasons as claim 15.

Claim 58 is rejected for at least substantially the same reasons as claim 16.

Claim 59 is rejected for at least substantially the same reasons as claim 17.

Claim 60 is rejected for at least substantially the same reasons as claim 18.

Claim 61 is rejected for at least substantially the same reasons as claim 20.

Claim 62 is rejected for at least substantially the same reasons as claim 21.

Claim 63 is rejected for at least substantially the same reasons as claim 22.

Claim 64 is rejected for at least substantially the same reasons as claim 34.

Claim 65 is rejected for at least substantially the same reasons as claim 23.

Claim 66 is rejected for at least substantially the same reasons as claim 24.

Claim 67 is rejected for at least substantially the same reasons as claim 27.

Claim 68 is rejected for at least substantially the same reasons as claim 28.

Claim 69 is rejected for at least substantially the same reasons as independent claim 1.

As per dependent claim 70, Yamanaka shows the method of claim 1.

Yamanaka (the ABSTRACT; FIG. 1; FIG. 4; FIG. 5; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; FIG. 19; FIG. 20; FIG. 21; FIG. 22; FIG. 24; FIG. 25; FIG. 27; FIG. 28; FIG. 29; FIG. 30; FIG. 31; FIG. 32; FIG. 33; FIG. 34; and ¶¶[0012]; [0015]; [0020]; [0023]; [0057]; [0059]; [0064]; [0066]; [0108]; [0137]; [0138]; [0139]; [0148]; [0171]; [0175]; [0185]; [0198]; [0206]; [0207]; [0208]; and [0209]) shows posting electronic web “content and/or advertising. . . .”

Yamanaka lacks explicit recitation of the posting of electronic web “content and/or advertising, note” related to a “drag and drop” operation.

“Official Notice” is taken that both the concepts and the advantages of all of the “drag and drop” elements and limitations of claim 70 were well known and expected in the art by one

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of ordinary skill at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Yamanaka cited above implicitly shows all of the elements and limitations of claim 70 and it would have been obvious to modify and interpret the disclosure of Yamanaka cited above as showing all of the elements and limitations of claim 70 because modification and interpretation of the cited disclosure of Yamanaka would have provided “*a digital content billing system using a network in which a billing of digital content is easily performed. . . .*” (see Yamanaka (§[0010])) based on the motivation to modify Yamanaka “*while accelerating the use of digital content and an execution fee for digital content is reliably collected. . . .*” (see Yamanaka (§[0010])).

Claim 71 is rejected for substantially the same reasons as claim 69.

Claim 72 is rejected for substantially the same reasons as claim 70.

Claim 73 is rejected for substantially the same reasons as claim 69.

Claim 74 is rejected for substantially the same reasons as claim 70.

Claim 75 is rejected for at least substantially the same reasons as independent claim 1.

Claim 76 is rejected for the same reasons as claim 75.

Claim 78 is rejected for the same reasons as claim 75.

Claim 79 is rejected for the same reasons as claim 75.

Claim 80 is rejected for the same reasons as claim 75.

Additionally, Yamanaka discloses providing advertising to a user (Abstract).

Also, Angles discloses utilizing Internet service providers, content providers, advertisement providers, and user computers (col 4, lines 26-47; Abstract; Fig. 2).

Angles discloses that a variety of parties such as the content provider, internet service provider, or user can be rewarded for performing certain actions:

“(104) In addition, the ability to monitor the number of advertisements displayed by a particular content provider computer 14 provides a number of advantages. For example, the advertisement provider can pay the content provider based on the volume of advertisements actually displayed by the content provider computer 14. This frees the content providers from having to generate advertising data, from having to individually contact advertisers, from having to negotiate advertising payment fees, and from having to maintain an advertising administrative staff;

(105) Furthermore, because the preferred embodiment also is capable of storing a consumer's Internet provider account number in the registration database 68, the preferred embodiment can monitor the number of advertisements viewed by consumers associated with a

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particular Internet provider 34. Accordingly, the invention can pay an Internet provider 34 based on the number of advertisements viewed by its consumers. The Internet providers 34 can then use this advertising revenue to reduce consumer access fees. Alternatively, the preferred embodiment can pay a consumer for viewing advertisements by crediting a consumer's Internet provider account;

(106) In addition, because the preferred embodiment also is capable of storing a consumer's digital cash account, the preferred embodiment can pay the consumer with digital cash each time the consumer views an advertisement. This allows the consumer to obtain digital cash which the consumer can use to purchase other goods and services offered for sale on the Internet 33" (col 16, lines 15-45).

Angles discloses sending information/note from consumer computer to user computer:

"(140) Proceeding to state 802, the advertising module 62 selects and retrieves the customized advertisement 30 from the advertising database and sends the customized advertisement 30 to the consumer. In the preferred embodiment, the customized advertisement 30 is stored in a HTML format, and the advertising module 62 uses the HTTP protocol to send the customized advertisement 30 to the consumer computer 12, where the customized advertisement 30 is displayed within the electronic page sent to the consumer computer" (col 20, line 64-col 21, line 5).

Angles discloses that the user selects advertisement to receive more information on that advertisement:

"(136) If the consumer desires to obtain more information about a good or service appearing in a customized advertisement 30, the consumer selects the customized advertisement

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30 and proceeds to state 718. When the consumer selects the customized advertisement 30 during state 718, the consumer control module 42 sends a message to the advertising module 62 that the consumer has selected the customized advertisement 30. In response, the advertising module 62 stores the message in the accounting database 72" (col 20, lines 17-27).

Angles discloses that a content provider can provide wide range of services to the user:

"(148) The embodiment shown in FIG. 9 allows the customized advertisements 30 to be incorporated directly into the content provider's offerings. Thus, in addition to integrating the customized advertisements 30 in to an electronic page 32, the content provider computer 14 can integrate the customized advertisements 30 into offerings such as on-line games, video programming, internet radio, virtual reality environments and the like" (col 21, lines 51-60).

Angles discloses downloading the note separate from the regular content:

"(15) In the preferred embodiment, the invention is directed to delivering custom advertisements to consumers who use their computers to view information offered by different content providers existing on the Internet. Preferably, when a consumer accesses a content provider, the content provider transmits an electronic document to the consumer. Embedded within the electronic document is a advertisement request. When the consumer's computer displays the electronic document, the embedded advertisement request directs the consumer computer to communicate with an advertisement provider. In response, the advertisement provider provides a customized advertisement. The advertisement provider then tracks the consumer's response to the customized advertisement (col 2, line 59-col 3, line 5);

(140) Proceeding to state 802, the advertising module 62 selects and retrieves the customized advertisement 30 from the advertising database and sends the customized

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advertisement 30 to the consumer. In the preferred embodiment, the customized advertisement 30 is stored in a HTML format, and the advertising module 62 uses the HTTP protocol to send the customized advertisement 30 to the consumer computer 12, where the customized advertisement 30 is displayed within the electronic page sent to the consumer computer” (col 20, line 64-col 21, line 5).

Goldhaber discloses drag and drop content:

“(59) The World Wide Web allows anyone to maintain public "home pages" that are visible to all, and are accessible to all with optional name-password access restrictions. The system provided by the present invention adds the capability of maintaining private home pages that are accessible and visible only to their owners. Another example feature of these pages is the capability of "dragging and dropping" content between one's private and public home pages” (col 8, lines 50-57).

Goldhaber discloses rewarding a user for a wide range of activities related to the note/information/advertising such as providing information, downloading the ad, viewing the content, interacting with content, taking a quiz, etc (col 7, lines 20-62).

Goldhaber discloses transferring/sending/downloading information/note/advertisement content to the user computer (Fig. 4 and below):

“(10) The consumer has an incentive to do this because she knows that this action will transfer compensation or some other incentive represented by the CyberCoin icon 62 to her credit. Clicking on this CyberCoin 62 may institute an automatic retrieval, over network 102, of the ad information the CyberCoin is associated with (col 11, lines 19-25);

(18) This consumer interest profile 124 information can be used by advertisers 62 to

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target advertisements selectively to certain consumers and not to others (e.g., teenage boys can be sent skateboard ads, mothers can be sent children's clothing ads, retirees can be sent conservative investment information, golfers can be sent golf product ads, etc.). In the case of direct payment using digital cash, consumer database 120 may also include a digital cash repository 126 as discussed above (col 12, lines 29-38);

[Claim 2] (a) supplying said negatively priced information from said information provider to said attention broker computer; and

(b) selectively delivering the negatively priced information via the computer network from the attention broker computer to the personal computer.

3. A method as in claim 2 wherein supplying step (a) comprises transmitting the negatively priced information from a computer associated with said information provider over the network to said attention broker computer (col 22, lines 1-10);

(76) Agent 110 may present the user's interest profile 124 to attention brokerage servers 106 so as to allow the servers to attempt to match ads within their repertoires 140 with the consumer's interest profile, or in another embodiment, the software agent 110 may maintain the interest profile 124 as confidential and perform the matching itself based on ad profile criteria presented by the attention brokerage servers 106. When matches are found, the attention brokerage servers 106 may deliver the matching ads to the consumer's computer 104, or agent 110 may retrieve the ads. Alternatively, the software agent 110 may retrieve a "thumbnail" brief summary of the ads and display them on the consumer's computer display (see FIG. 11). In this example, each "thumbnail description" of an ad can be displayed by consumer computer 104 with an associated CyberCoin icon 62;

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(77) As explained in connection with FIG. 4, when a consumer "clicks" on the associated CyberCoin icon 62, this may initiate retrieval of the associated advertisement described in the "thumbnail description" and display of the advertisement on the consumer's computer 104. The advertisement display may ask the consumer questions or otherwise require consumer interaction to ensure the consumer has paid attention to the advertisement. Upon successful completion of this process, an amount of digital currency may be deposited into the consumer's digital cash repository 126, or alternatively, the consumer's account may be credited and the advertiser's account debited by financial clearinghouse computer 108" (col 15, line 55-col 16, line 17).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Angles paying a user or provider for the utilization of content and Goldhaber's downloading of targeted content and rewarding a user for a variety of activities to Yamanaka's rewarding a user for certain activities and downloading of content. One would have been motivated to do this in order to provide better targeting of a user and better enticements for user desired behaviors.

Response to Arguments

3. Applicant's arguments with respect to claims 1-76 and 78-85 have been considered but are moot in view of the new ground(s) of rejection.

Please particularly note the additional citations, explanations, and references added at the section starting with, "Additionally, Yamanaka discloses providing advertising to a user (Abstract). Also, Angles discloses utilizing. . .".

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Examiner notes that while specific references were made to the prior art, it is actually also the prior art in its entirety and the combination of the prior art in its entirety that is being referred to.

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a) Gerace (5,848,396) discloses targeting a user and inciting a user to certain behaviours;
- b) Dedrick (5,724,521) discloses targeting a user, inciting a user, and rewarding various parties for user behaviors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (571) 272-6718. The examiner can normally be reached on Mon- Fri, 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Arthur Duran', with a stylized, cursive script.

Arthur Duran
Patent Examiner
5/25/05